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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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THE SCO GROUP, INC.,  
Plaintiff/Counterclaim-Defendant,  
v.  
INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
Defendant/Counterclaim-Plaintiff.

**SUPPLEMENTAL DECLARATION  
OF BRENT O. HATCH**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

I, Brent O. Hatch, declare as follows:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.

2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm Hatch, James & Dodge, P.C., and counsel for The SCO Group, Inc. (“SCO”) in the lawsuit against International Business Machines Corporation (“IBM”), titled The SCO Group, Inc. v. International Business Machines Corporation, Civil No. 2:03CV-0294 DAK (D. Utah 2003).

3. This Supplemental Declaration is submitted in support of Plaintiff/Counterclaim-Defendant SCO’s various motions for summary judgment.

4. Submitted herewith as Exhibit 389 is a true and correct copy of excerpts from the February 16, 2007 deposition of Lawrence Bouffard in the litigation titled The SCO Group, Inc. v. Novell, Inc., Civil No. 2:04CV00139 DAK (D. Utah 2004).

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 28th day of February 2007.

Salt Lake City, Utah

/s/ Brent O. Hatch

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Brent O. Hatch

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc. certifies that a true and correct copy of the foregoing was served on Defendant/Counterclaim-Plaintiff, International Business Machines Corporation, on this 28th day of February, 2007, via CM/ECF to the following:

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/s/ Brent O. Hatch